R. Lucas (C.)
8145. b. 17

A SEVENTEENTH

ADDRESS

TO THE

FREE-CITIZENS,

AND

FREE-HOLDERS

OF THE

CITY of *DUBLIN.*

DUBLIN:

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BRITISH MUSEUM

A SEVENTEENTH

ADDRESS, &c.

HAVING purſuant to my Promiſe to you, MY BELOVED BRETHREN and FRIENDS, publiſhed the *Great Charter* of the LIBERTIES of our City, and layed that, as the Foundation to the intended Superſtructure, I ſhall now procede to the next Part of my Engagement, which is to explane the Conſtitution of this City, and to point out the Breaches made therein, and by whom.

IN my nineth, fiveteenth, and other *Addreſſes*, I have endeavored to define a *Body Politic*. Whatever is ſaid of the *greateſt*, holds equally good of the *ſmalleſt* Body Politic. And, many Advantages and Benefits acrue in ours, which are not to be found in the great *Body Corporate*.

AS CIVIL SOCIETY, or the *great Body Politic*, with all it's Magiſtrates and Officers, from the higheſt to the loweſt, was inſtituted for the general Good of the *People*, not regarding any Particulars; ſo, the Inſtitution of this *Body Corporate*, was ſolely intended for the *Citizens*, with due Subordination to the *great Community*, of which, it is but as a *Member*; and no Individual, whether Magiſtrate, Officer, or Member of the Corporation, has, or can have any Power, Privilege, or Authority, but what he derives, mediately, or immediately, from the *Body* of *Citizens*, to whom, and in whom, all that the *Crown*, by it's *Prerogative*, or the *Legiſlature*, by it's *Authority*, could grant, were granted and veſted; for the *ſole Emolument* of the CITIZENS and *their Succeſſors* for EVER.

AS every good Huſband-man ſhould, to the greateſt Certainty, know the Extent and Limits of his Eſtate;

ſo, it is incumbent on every *Citizen*, to know the Extent and Limits of the *Franchiſes*, in which he has a Free-hold, an Eſtate, of no leſs Value to him, than a large Tract of Land, to a Countryman. We can not therefore, be too exact, too minute, in taking a Survey of our Free-hold, with it's appendant Privileges.

WHOEVER takes a View of *our Charter*, muſt ſee, with what an extenſive *Eſtate*, this City was endowed, and with what extraordinary *Liberties* and *Privileges*, the *Citizens* were honored and diſtinguiſhed from the reſt of the Subjects.

ALL the Lands, within the aſcertained Liberties of the City, that were not granted to *Churches*, *Convents*, or *Colleges*, were veſted in the City, from the original *Engliſh* Foundation, and upon the Diſſolution of *Monaſteries*, at the Reformation, many of their Eſtates, as well, in the Country, as City; particularly, thoſe of *All-Hallows*, and ſome Parts of thoſe of *St. Thomas* and *St. Mary*, were granted to the City, by *Henry* VIII. and other ſucceeding Kings. By this Means, an Eſtate in ſeveral Counties of the Kingdom, and a Right of Preſentation to ſundry Eccleſiaſtical Benefices became veſted in the Corporation of the City.

HAVING large Poſſeſſions thus ſecured to the City, the next Proviſion to be made was for the *Franchiſes*, or Liberties of the Citizens, without which, the greateſt Eſtate could be of no real Value.

BY the firſt Grants of *Henry* II. and *John*, the *Citizens* were created a *Body-Corporate* and *Politic*, with the uſual expreſſed, as well, as the implied *Powers* and *Privileges*, *incident* to the Creation of a *Body-Politic*, which we ſhall hereafter endeavor to explane. By the Charter of *John*, included in the *Great Charter*, beginning at Paragraph the 8th, the *Franchiſes* are ſpecially granted and ſet forth. And, it is obſervable, that every Grant is expreſly made to OUR CITIZENS of our City of DUBLIN, and to their *Heirs* and *Succeſſors* FOR EVER.

BY

By this *Charter*, the City is made a *free* and *independent* Manor, with Juriſdiction within it ſelf; beyond whoſe Limits, no Citizen is anſwerable: The *Citizens* are *exempted* from that ſhameful *Barbariſm* of *trying* and *determining* Matters of Right, Cauſes criminal, *&c.* by *Combat*; from that deteſtable *Vaſſalage* of *Hoſting*, or *Coyne* and *Liverie*; or obliging them to lodge, or entertain *Servants*, or *Soldiers*, of their *Lords*, or of the *King*, without their free Conſent: And *freed* from the Payment of all arbitrary *Tolls*, *Taxes*, and other Cuſtoms, throughout the King's Dominions: That Juſtice may be always at Hand, it is provided, that the *Hundred*, or City Court, ſhould be held once every Week: That due Regard may be paid to the *infranchiſed*, that *no Foreigner* ſhould buy the *Staple* Commodities of the Kingdom from any other, than a *Citizen*; nor have *Licence* to ſell *Wine*, or keep a *Tavern*, except on Board a Ship: That no *Foreigner* ſhall intrude, or incroach upon the *Citizens* proper Privilege of ſelling Goods, as Cloth, for Example, by Retale, and that no *foreign Merchant* ſhall even ſtay longer in the City, than is neceſſary for the Diſpoſal of his Wares by Whole-ſale, which is *fourty* Days: That *no Citizen* be deprived of his *Liberty*, or otherwiſe *diſturbed*, throughout the King's Dominions, upon any idle Demands, or frivolous Pretences of the Crown, or the Subject, unleſs where poſitive Proof of a *Debt* is made: That the Clame laid by the *Crown* and *great Lords* to the *Ward* of their Tenants, by which, they aſſumed the Cuſtody and Diſpoſal of the Perſons and Eſtates of the Subject, ſhould be aboliſhed in the City: That *Guilds* may be inſtituted upon the ſame Foundation, as in *Briſtol*, in the City: And that *no Citizen* may be compellable to bail his Tenant, or any other Perſon, againſt his Will: That all the *Lands* and *Tenements*, and all the *waſte Places* within the City Liberties may be diſpoſed of, or built upon, at the Pleaſure of the *Citizens:* That the *reſident Citizens* be *exempt* from ſerving on *Juries*, or in other

Civil Offices in any other County in the Kingdom, in which they may have Eſtates; and that *extern*, or *non-franchiſed* Men, who may have Eſtates in the City, may *not be impannelled* with the *Citizens* on *Juries*, to try any Matter within the City; unleſs in Matters concerning the *Crown*, or the *Community* of the City: And, that the *Citizens* in all civil and criminal Matters, with which they may be chargeable, ſhall not be *committed*, or confined by *Foreigners*, but by their *Fellow-Citizens* only: And that *they*, and all thoſe, who come into the City, ſhall be *exempt* from all *arbitrary Impoſitions*, and *Seiſures* of the *Crowu*, or it's Miniſters: That the *Citizens* and their Magiſtrate, may have, make and exerciſe the *Aſſize* of *Bread* and *Beer*, inſtitute a *Staple*, or Market, and erect and maintain a *Standard* for *Weights* and *Meaſures*, for the Regulation of the *Market*, with all Profits and Advantages thence ariſing, ſubject only to the *Inſpection* of the *King*'s Juſtices and Miniſters; and their *Correction* of *Exceſſes*, *Defects*, &c. That the *Citizens* be for ever *exempt* from all *Cuſtoms*, *Tolls*, or *Duties* impoſed upon, or payable by others for the Expences of *Walling*, *Paving*, making, or reparing *Bridges*, from *Paſſes* for Exporting, Shiping, Goods or Men, and for *ballaſting*, or *loading*, or unloading a Ship at *Quays*, *Wharfs*, or *Cranes*: That the *Citizens* may *chooſe* among themſelves, a *Mayor* every Year, who is to be ſworn into Office, before the *Commonalty*, by the preceding *Mayor*; unleſs the *chief Governor*, or one of the *Barons* of the *Exchequer*, happen to be then in the City; before whom the Oath is then to be adminiſtered: That no *Officers*, or *Miniſters* of the *Crown* may interfere with the *Magiſtrates*, or *Officers* of the City, in the Execution of their Offices; unleſs in Caſe of *Failure* of the City Officers: That *no Citizen* be deprived of his *Liberty*, or confined, by any Magiſtrate, or Officer of the Crown, for any bailable Offence, while he is able to procure ſponſable Bail: That, if any Citizen be attached w thout the City; he is to be tried in the City Court: That no *foreign*,

or

or *unfranchiſed Merchant* ſhall *intrude*, or *incroach* upon the *Rights* and *Privileges* of the *Citizens*; but, when they come to buy, or ſell Wares, or Merchandiſes, upon the Terms before preſcribed, they ſhall be obliged to contribute to all the *Aids* and *Taxes*, or *Tolls* and *Cuſtoms*, neceſſary for the *Support* of the *City*, in Proportion to the Quantity of Goods *bought*, or *ſold*: And, that the *Citizens* may export *old Cloath*, *Wool*, *Hides*, and all other Commodities, which are the Product of *Ireland*; *Corn*, at Times prohibited, only excepted, to *England*, *Gaſcony*, and whereſoever elſe they will, *for Ever*; according to their natural Right; the Statutes, or Ordinances to the contrary, notwithſtanding. It is likewiſe, granted to the *Citizens*, that *their Mayor* and *Bailifs*, be the ſole *Juſtices* of *Peace*, and *Juſtices* of *Laborers*, *Artificers* and *Victuallers*, within the *City* and it's *Liberties*: That the *Mayor* be *Eſcheator*, and *Clerk of the Market*, with the fulleſt Powers and Privileges, the Law could admit; and with a poſitive *Prohibition* to all *Miniſters* of the *Crown*, that they ſhould not intrude upon either Office: The *Mayor* to take the Oath of Office of *Eſcheator* and *Clerk of the Market*, before the *Bailifs*. All *eſcheated*, or *forfeited Lands* and *Poſſeſſions*, &c. with all *Fines* and *Amerciaments*, *Goods* and *Chattels* of *Felons*, fugitive, or condemned; all *ſtrayed Cattle*, whoſe Owner may not be aſcertained, and all *Wrecks*, within the Liberties of the City, being, of *original Right*, veſted in the *Crown*, are now granted and confirmed to the *Citizens*. This is the Sum of the Grants in this *Great Charter*.

By this, and the ſucceding *Charters*, it is evident, that there is nothing neceſſary for the Wealth and Happineſs of a People, that has not been granted to this City. Few Cities in *Europe* can boaſt of ſo great an Eſtate, and ſuch Extent of Franchiſes. Every Citizen has a Freehold in the City, and is intituled to Privileges, far ſuperior to any other private Subject, in the Kingdom, which appear by the foregoing Recitals. In ſhort, ſo great, and ſo firm is the Eſta-

bliſhment of this City, that it is, as it were, a little COMMON-WEALTH within it ſelf: For, it wants nothing of being ſuch, but a ſupreme legiſlative Power. And, it knows no Authority, that can leſſen, or invade it's Properties, or Privileges, in any Reſpect, without the Conſent of the Citizens: For, without that, no *Patent*, or *Charter* can paſs, which may affect the City; not even to erect a Guild within the Liberties; and, if any Patent has been, by any Means, obtained, which interferes with the Rights, or Privileges of the Citizens, it is in it ſelf, *Null* and *Void*.

SUCH were the Inducements to the FREE CITIZENS of *Briſtol* to tranſplant themſelves into this Country. And nothing leſs, than ſuch an Eſtabliſhment, could be an adequate Reward for the unparallelled Valor and Loyalty of their Succeſſors.

As the modelling and eſtabliſhing the great Frame of Government of this City, was neither done by the Crown, nor the Legiſlature, it is neceſſary to ſhew by what Authority it was eſtabliſhed.

THIS makes it neceſſary to ſet forth the Powers *incident* to the *Creation* of a *Body Politic*; which can not well be done, without a Repetition, or Recital, of what has been already ſaid, in former *Addreſſes* to you, upon this Subject.

A CORPORATION, or Incorporation, is a Society, or Body, framed by *Policy*, or Fiction of Law. Hence, it is called, a *Body Politic*. It is alſo, called, a *Body corporate*, or *incorporate*, becauſe the Perſons incorporated are united, or formed into one Body, with Similitude to the *Body natural*.

A BODY POLITIC is framed with a Capacity to be and to act, as a ſingle Perſon. It muſt be *immortal*; becauſe it muſt be furniſhed with Means of providing for a *perpetual Succeſſion*.

THE general Intent and End of the Inſtitution of Bodies corporate, is *good Government*; when that is not anſwered, they may and ſhould be diſſolved.

CORPORATIONS commence by four Means. I. By *Common Law*: as the King is a *Corporation ſole*, by the Common

Common Law. II. By *Preſcription.* III. By *Act of Parlement.* IV. By *Charter.*

For the ſeveral kinds of Corporations, I refer you to my nineth *Addreſs.* I ſhall here confine my ſelf to the Corporation *aggregate, temporal*; by which I mean an Assembly of *many lay Perſons, combined,* or *joyned together in* one Fellowſhip, or *Community, created as above*; *and holding by mutual Conſent, to ſupport the* common Charge; *to live under ſuch* Laws *and* Regulations, *as* they *ſhall* frame *and* agree upon; *to give,* or *take any thing, within the compaſs of their* Charter, *and agreeable to* Law; *to ſue and be ſued*; *to have an* Head *and* common Seal *for theſe Purpoſes, and the like.* Such are all *Cities, Boroughs, Guilds,* &c.

A Corporation *aggregate* is ſaid to be *inviſible* and *immortal,* and has it's *Being,* only in Intendment and Conſideration of Law. It cannot therefore commit *Treaſon,* as a ſingle Perſon: It cannot be *out-lawed,* nor *excommunicated:* It cannot do *Homage,* or *Fealty,* nor *Swear.* Nor canit *appear* in Perſon, but by *Proxy,* or *Attorney.*

The Name, or Titule of a Corporation, is of the Subſtance and Eſſence of the *Body Politic.* It is therefore requiſite it ſhould be certainly determined. It is as the *Name,* given at *Baptiſm* to a natural Perſon; with this difference, that an *Infant* is a *perfect Creature* before *Baptiſm,* and is given a *Name,* not as of matter of *Neceſſity,* but of *Policy,* for Diſtinction. But, a *Body Politic* is not only *imperfect,* but can not receive *Being,* without a *Name.*

Upon the very Creation of a Corporation, many Powers and Privileges are tacitly annexed to it, without a ſpecial Grant. Theſe are called in Law, *Incidentals.*

It is *incident* to a Corporation, to *ſue* and *be ſued,* to *plead* and *be impleaded:* To *purchaſe* and to *alienate* Lands; *&c.* To *appoint* and *uſe* a common Seal: That the *Survivors* be the Corporation: If it's *Revenues* increaſe, to *apply them* to the uſes intended by the *Founder,* or to the Benefit of the *Body Poltic*: To *make Laws* and *Ordinances,* and to *preſcribe* and *eſtabliſh* the

the Form of Government; provided they be agreeable to the Laws of the Land: To *elect* and *appoint Officers* and *Servants*; and to *limit* their *Power*, and *time* of ſerving: To *appoint* a *ſage Council* to the chief Magiſtrate, or to the Corporation, under the name of *Aldermen*, *Burgeſſes*, *Common-Council*, *Council of the Houſe*, *&c.* And to *ſtate* and *aſcertain* their *Privileges*, *Powers* and *Authority*: To *preſcribe reaſonable Tolls*, *Cuſtoms*, or *Duties* upon *Cattle*, *Carriage*, &c. coming into, going out of, or through the Town; or upon *Shipping* coming into, or going out of it's River, or Harbor; though there be no ſuch Grant in the *Charter*. And all lawfull and rational Cuſtoms of a Corporation are valid in Law.

A CORPORATION muſt in all things be ſubject and ameſnable to the Laws of the *Common-wealth*, in Reſpect to which, it is but a *Member*, like any *private Perſon*. It is liable to Diſſolution, for the Diſuſe, Miſuſe, or Abuſe of the *Charter*; as alſo, for want of lawful Succeſſors.

FROM theſe general Principles, let us deduce the particular Conſtitution of this City.

WHAT has been offered in my fourth *Addreſs*, upon the original Inſtitution of *Civil Society* in general, and upon the Syſtem of our national Conſtitution, in particular, holds equally good of the Conſtitution of this City.

IT was created a *Body corporate* and *Politic*, with all the Requiſites; an *Eſtate* to *ſupport* it, *Privileges* and *Liberties*, to *encourage Virtue* and *Induſtry*, by *diſtinguiſhing* the *Citizens*, in the higheſt manner, from the groſs of the other *Subjects*; and with *Power* and *Authority* to *defend* and *protect* and to *diſpenſe* all theſe *Benefits*, for the GOOD of the *preſent* and *future Members* of this Community. But, the Frame and Model of the Government, the entire Inſtitution of the Civil Society, was left ſolely to the *Citizens*, whoſe Wiſdom in the great and noble Structure, we can never ſufficiently celebrate.

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It is evident from all our *Charters*, as well, as the *Great one*, I have lately laid before you, that at the Creation of this *Body Politic*, our Predeceſſors, were left in a mere ſtate of Nature, with Regard to the Government of this City.

As the firſt infranchiſed of *Dublin*, were *Briſtol* Men, to whom, as an Encouragement to tranſplanting themſelves into *Dublin*, all the *Eſtate* of the City was granted, with all the *Honors*, *Powers*, *Privileges*, *Free-Cuſtoms*, *Franchiſes* and *Immunities*, to which they were at home intituled; it was natural for them, to introduce, and eſtabliſh the Conſtitution of their *Mother-City* in this *new Colony*; and they did ſo, accordingly.

The City then conſiſted of a *Provoſt* and *Citizens*.

In *Henry* III's Reign the *Citizens* were empowered to elect out of themſelves, a *Mayor* every Year. And about the ſame Reign *two Bailifs* were inſtituted. The Titule of theſe Officers was changed by Edward VI. of pious Memory, from *Bailifs*, to *Sherifs*.

About the Reign of the good and great King Edward III. whoſe Memory muſt be gratefull, while any Traces of our Conſtitution ſubſiſt; a Common Council was Inſtituted, not with abſolute Power to tranſact the Affairs of the whole Corporation, but as a *Committee* to prepare Buſineſs, to be laid before the *Citizens* for their final Determination in the Court of Darein Hundred.

When the Titule and Office of the *chief Magiſtrate* was raiſed, and an higher Truſt, and greater Powers were repoſed and veſted in him, by the *Corporation*, the *Crown*, or the *Legiſlature*; the *Citizens* for his eaſe and Aſſiſtance, and the better Security of the City, inſtituted a *Privy-Council*, conſiſting of twenty four of the moſt *virtuous* and *wiſe* Citizens. Theſe were at firſt called, *Jurees*, and afterwards, *Aldermen*.

For your better Underſtanding the Conſtitution of the City, I ſhall endeavor, briefly, to explane the Inſtitution, Office and Duty of *Provoſt*, or *Mayor*, *Bailifs*, or *Sherifs*, *Common Council*, and *Jurees*, or *Aldermen*, reſpectively.

But,

BUT, as theſe and all other City Officers are to be choſen from among the *Citizens*, it may not be improper, or unneceſſary to premiſe ſomething concerning the Inſtitution, Office, and Duty of a *Citizen*.

IN my eighth *Addreſs*, I have endeavored to explane the Words, *City*, and *Citizen*. Upon the fulleſt Enquiry, I am at preſent able to make, I can find no better a Difinition, of the Word, *Civitas*, or City, than, that it is a SOCIETY *of Men, created, and ſo called, by* Charter, *or* Laws; *combined together for their mutual Support and Defence, and dignified, and diſtinguiſhed, by certain* Liberties *and* Privileges, *from the Reſt of the Subjects; whereby they are encouraged and enabled to cultivate Sciences, Arts and Commerce.*

THE firſt incorporated of this Community were created *Citizens*, with Power of appointing a Succeſſion. The *Children* of the *Citizens* were intituled to the ſame Privilege, as their *Birth-right*. Every Man, who ſerved an Apprenticeſhip to a *Citizen*, became intituled to this Privilege. And at the Primitive Inſtitution no Man was intituled to be admitted a *Citizen*, but the *Son* of a *Citizen*, or the *Huſband* of a *Citizen*'s Daughter, or he, who he, who ſerved an Apprenticeſhip to a *Citizen*; except, as an exemplary Reward for ſome extraordinary public Services: But, when Men fell from their Integrity, and *Venality* and *Corruption* took place of VIRTUE and HONOR, then *Back-doors* for Admiſſion into the *Franchiſes* were openæd, and every one, who found it neceſſary, readily purchaſed his *Freedom*, or higher *Rank* in the City, by a *Bribe*, to the chief Magiſtrate, or his Wife, called, by the palliating Name of *Gloves*; or, to the *Common Council*, by the more pompous Appellation of *Grace-eſpecial*, or a *Fine*.

WITH Us, the Inſtitution and Office of a *Citizen* is partly *civil*, partly *military*. At our firſt Eſtabliſhment here, we were kept for ſome time in a continual Warfare. Every *Citizen* is therefore obliged, not only, to qualify himſelf for his *civil* Station, by learning and exerciſing his Art, or Trade; but alſo

to

to learn the Uſe of *Arms* and *military Diſcipline*. And as the City is ſurrounded with thoſe, that are continually invading, or incroaching upon, the Liberties; the Citizens were obliged to perambulate their Mears and Bounds, in complete Arms, once a Year, as they now ride them once in three Years. Hence, every *Citizen*, at his Admiſſion, is to be ſworn under Arms, and obliged to furniſh himſelf with and keep neceſſary Arms: So that he is to be ready to maintain and defend the City, and all its Rights and Liberties, not only in the *Citizen*'s *Gown*, that is, by his *Counſel*; but alſo in the *Field*, that is, by Force of *Arms*, whenſoever he is legally called thereto.

THE Duty of a Citizen will be further underſtood by conſidering the following Oath, which every Citizen is bound to take upon his Admiſſion:

The OATH *of a* CITIZEN *of* DUBLIN.

YOU ſhall ſwear, That you ſhall be good and true to our Sovereign Lord King GEORGE the Second, and to the Heirs of our ſaid Sovereign Lord the KING; Obeyſant and Obedient you ſhall be to the MAYOR and Miniſters of this City: The Franchiſes and Cuſtoms thereof you ſhall maintain, and this City keep harmleſs in that, that in you is: You ſhall be contributory to all manner of Charges within this City, as Summons, Watches, Contributions, Taſks, Tallages, Lot and Scot, and all other Charges, bearing your Part as a Freeman ought to do: You ſhall color no Foreign Goods, whereby the KING or this City might loſe their Cuſtoms or Advantages: You ſhall know no Foreigner to buy or ſell any Merchandizes with any other Foreigner within this City, or Franchiſes thereof, but you ſhall warn the MAYOR thereof: You ſhall take no Apprentice but if he be free-born, that is to ſay, no Bondſman's Son, and for no leſs Term than for ſeven Years: Within the firſt Year you ſhall cauſe him to be inrolled, and at his Term's End you ſhall make him free of this City, if he have well and truly ſerved you: You ſhall alſo

keep

keep the KING's Peace in your own Perſon, and ſhall always, whilſt you are able and in your Power, keep a good Musket, Carbine or Fuſee, in good, clean and ſufficient Order: You ſhall know no Gatherings, Conventicles, nor Conſpiracies made againſt his Majeſty's Peace, but you ſhall warn the MAYOR thereof, or let it to your Power: You ſhall not be free Baker, Butcher or Fiſher, without you pay Cuſtom; and whatſoever Office that you be lawfully called unto within the ſaid Franchiſes you ſhall not refuſe. All theſe Points and Articles you ſhall well and truly keep according to the Laws and Cuſtoms of this City to your Power. So GOD you help, and by the holy Contents of this Book.

GOD ſave the KING.

THE Inſtitution, Office and Duty of a *Citizen*, being thus explaned, I ſhall now purſue the Order propoſed, illuſtrate theſe of the principal Officers of the Corporation. And,

I. *Of* PROVOST *and* MAYOR.

THE Word *Provoſt*, in the Charters called, *Præpoſitus*, bears various Significations: Sometimes, we find it indifferently implies, a *Grave*, *Greve*, or, more modernly, *Reeve*; alſo, a *Warden*, a *Conſtable*, a *Bailif*, a *Seneſcal*, or other chief Officer of the Crown, in a Town, or Village; or of a Lord in a Manor. *Provoſt* is the common antient Titule of the chief Magiſtrate of any City, or Borough; but, of later Days, the Titule and Office have moſtly merged into that of *Mayor*.

THE modern Word *Mayor*, antiently *Meyr*, in Charters called *Major*, is ſaid to be derived from the *Britiſh*, *Mire*, or *Myre*, a Steward, or Keeper, or from the old *Engliſh*, *Maier*, which ſignifies Dominion, or Authority. *Mayor* with us implies the ſame with *Præfectus Urbis*, or *Prætor Urbanus* among the antient *Romans*. I ſhall here confine myſelf to our City, where the Titule of our chief Magiſtrate is raiſed to that of *Lord Mayor*.

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As the KING is the *Head* of the *Commonwealth*, ſo is the LORD MAYOR *Head* of the *City*; and, next to the KING, or his *Vice-gerents*, is intituled to the firſt Rank and Dignity in the City. He was formerly of the King's Privy Council. He is to *preſide* in the *Councils* of the City, to ſee all the Laws relating to the City, executed, and to cauſe *Right* and *Juſtice* to be ſtrictly and equitably *adminiſtered* to all Men, without Partiality, or Reſpect to Perſons. Above all, he is to be *watchful* and *tenacious* of the *Eſtate* and *Revenues*, of the *Privileges*, *Liberties* and *Franchiſes* of the whole City in general, and of every individual Citizen in particular: For, this is the principal End of the Inſtitution of the Office.

THE LORD MAYOR, by common Law, is a *Juſtice* of the *Peace* during his Office; and by Patent, during Life. The *Lord Mayor*, for the time being, is the principal *Juſtice*, or *Judge* of the City Court, where all civil and criminal Matters are triable by the ordinary Courſe of Law, and where alone the *Citizens* ſhould *ſue* and be *ſued*. In the *Quarter-Seſſions*, he is to have the *Recorder*, and two *Juſtices* of the City, to conſtitute a Court. He is empowered to *regulate* the *Hire*, or *Wages* of *Laborers* and *Artificers*, and to *aſcertain* the *Aſſize*, *Quality* and *Price* of *Bread*, *Ale* and *Beer*.

THE LORD MAYOR is the *ſole Judge* of a Court of Equity, or Conſcience to the Extent of *Fourty Shillings*; from which, there lies *no Appeal*.

THE LORD MAYOR is to have a watchful Eye on the Conduct of every Inhabitant of the City; particularly, on that of the *City Officers* and *Servants*, for whoſe Miſconduct the City is anſwerable. He is empowered to execute, or inſpect the Execution of ſeveral Statutes, particularly for *cleanſing* and *paving* the *Streets*, *removing Nuſances* and *Encroachments*, *preventing Dirt*, or *Rubbiſh* being thrown in the *Streets*, *Lanes*, or *Waſte Places* in the City; to *puniſh Perſons*, who keep above an *hundred weight* of *Gun-Powder* together, within the City. He is to *look* into *Offences* againſt the *State*, as well, for the general Promotion of *Peace* and *good Government*, as to execute the Office of *Eſcheator*,

tor, in *ſeizing* and *ſecuring* all *Eſcheats*, to the Uſe of the City; He is empowered to *Judge* and *Determine* whether *Coin* offered in Payment, be current or counterfeit, and to tender an Oath to obtain a certain Information concerning it: He is to *puniſh Drunkenneſs* upon *Sight*, or upon the *Teſtimony* of *one* credible *Witneſs*, with a Fine of *five Shillings*, or ſix Hours *Confinement* in Stocks: He is to *enquire* concerning unlawful *Gaming*, ſearch and inſpect into Places ſuſpected to be *Gaming-Houſes* and commit Perſons found or proved playing *unlawful Games*: He is *Judge* of all Diſputes between *Maſters*, and *Aprentices*, and *Servants*; may *puniſh*, *diſcharge*, *order Wages* to be paid, *&c.* and to *compel idle*, able Perſons to go to *Service*, or *Labor*.

The Lord Mayor is the *Civil* and *Military Governor* of the City: Without his Permiſſion, no *Shews*, *Stage-Plays*, *Games*, or *Paſs-times* may be publicly exhibited in this City; not even by the *King*'s *Patent*; Nor may any *armed Force* march into, or through the City in an hoſtile Manner, or in military Array, even by the *King*'s *Commiſſion*, without *Licence* from the *Lord Mayor*: *Soldiers* or *Servants* may not be *quartered*, or *billited* within the *Liberties* of the City, without *Expreſs Orders* from the *Lord Mayor*, who is to take care, that no *Servant*, or *Soldier* be, by any Means, *quartered* on any *Free Citizen*.

The Lord Mayor is to *puniſh* profane *Curſing* and *Swearing*, with a *Fine*, or *Confinement* in *Stocks*: To *puniſh idle*, *vagrant* Beggars, and cauſe ſuch, as will not Work, or pretend to be Lame, Blind, or otherwiſe maimed, in order to excite Charity and cover their Idleneſs, to be *whipped* through the Streets.

Beſides the ordinary Authority of *Mayors*, to keep a public, eſtabliſhed *Standard* of *Weights* and *Meaſures*, and to try and regulate thoſe of all *Buyers* and *Sellers* thereby, and to correct *Defects* or *Exceſſes*, with Power to burn, or deſtroy, ſuch as are found deficient; the *Lord Mayor*, as *Clerk* of the *Market*, has a more extenſive Power, in this Reſpect: He is to determine all Diſputes ariſing between *Buyers* and *Sellers*

Sellers, in the *Markets*, *Shops*, &c. to *puniſh Brawlers*, *Scolds*, and *Diſturbers* of the Market: He is authoriſed to viſit all *Markets*, *Ware-Houſes*, *Coal-Yards*, *Coal-Ships*, &c. all *Shops*, *Ale-Houſes*, *Inns*, *Taverns*, &c. and to *aſſay*, try, or prove their ſeveral *Weights*, *Scales* and *Meaſures*; to *ſeal*, or mark them, that anſwer the *Standard*, and to *ſeiſe*, *burn*, or otherwiſe publicly, *deſtroy* all ſuch, as are found *unſealed*, *falſe*, or *defective*. He is *Judge* of the *Market Court*; and may order the *Sherifs* to *impannel* a *Jury* before him; which *Jury* is to be charged with the Care of the *Markets* and to *preſent* all ſuch, as uſe, or keep *falſe*, or *unſealed Scales*, *Weights*, or *Meaſures*, and all, that ſell *unlawful Bread*, or other unwholſom *Proviſions*. The Offenders in theſe Inſtances are liable to be *fined*, or to a *Seiſure* of their *falſe Scales*, &c. or *bad Wares*, by the *Lord Mayor*.

FROM this ſhort Sketch of the *Inſtitution* and *Office* of a *Lord Mayor*, his Duty and the Importance of the Truſt muſt clearly appear.

UPON his entering on the Office, he takes the following Oaths:

The Oath of a LORD MAYOR.

YOU ſhall ſwear, that you ſhall truly and faithfully ſerve our Sovereign Lord King *George* the Second, in the Office of Mayor of the City of *Dublin*; and that the ſame City you ſhall ſafely and ſurely keep to the Uſe of our ſaid Sovereign Lord the King of *Great Britain*, *France*, and *Ireland*, and of his Heirs and lawful Succeſſors, Kings and Queens of *Great Britain* and *Ireland*; and the Profit of our ſaid Sovereign Lord the King you ſhall do, in all Things that belongeth unto you to do, and the Right of the King, in whatſoever appertaineth to the Crown, within the ſaid City, you ſhall truly and faithfully keep and preſerve; and that you ſhall not aſſent to the taking away, or Concealment of the Rights, nor the Franchiſes, nor the Privileges of the King's Majeſty,

and that wherein ſoever you ſhall know the Rights of the King, or of his Crown, be it in Lands, or Rents, or in Franchiſes, or in Suit, to be concealed, or ſubſtracted, you ſhall put all your Endeavor to withſtand the ſame; and if of your ſelf you can not do it, you ſhall declare, or reveal the ſame, unto the King's Deputy, or Lieutenant of this Kingdom, or to ſuch of his Highneſs's Council as you know will reveal the ſame to the King's Deputy, or Lieutenant; and that lawfully and rightfully you ſhall intreat the People of your ſaid Bailiwick; and that you ſhall do equal Right unto all Men, as well unto Strangers, as unto the Citizens, and as well unto the Poor as to the Rich, in all that appertains to you to do; and that neither for Greatneſs, nor for Riches, nor for Giſt, ne for Promiſe, nor for Favor, ne for Hate, you ſhall not do Wrong to any Man; and that you ſhall not hinder any Man of his Right, nor nothing ſhall you take, whereby the King may loſe, or his Right be diſturbed; and in all Things that appertaineth to the Office of Mayor of the ſaid City to do, you ſhall do well and truly and faithfully behave your ſelf.

So help you GOD *in* JESU CHRIST.

The LORD MAYOR*'s Oath, as Eſcheator, and Clerk of the Market.*

YOU ſhall ſwear by the holy Contents of that Book, to be faithful and true to our Sovereign Lord King GEORGE the Second; you ſhall well and truly ſerve our ſaid Sovereign Lord the King's Majeſty, in the ſeveral Offices of *Eſcheator* and *Clerk* of the *Market*, within the County of the City of *Dublin*, and Franchiſes thereof, to the utmoſt of your Power, ſo long as you ſhall abide in the ſaid Office; you ſhall make true and diligent Inquiry for all Manner of *Eſcheats*, Rights and Profits, that ſhall grow due to his Majeſty, within the County of the City of *Dublin* aforeſaid, and what you ſhall find by any ſuch Inquiſition, to fall and belong to his Majeſty, the ſame

to

to ſignify into his Majeſty's Court of *Chancery*, or *Exchequer*; you ſhall cauſe reaſonable Rates to be ſet on all Manner of Victuals and Accates, that ſhall come to be ſold within the County of the City of *Dublin* aforeſaid, and upon all other neceſſary Proviſions, which to the Office of Clerk of the Market belongeth; you ſhall diligently and carefully look to the Aſſize of Bread, Ale and Beer, that the ſame be performed and kept; and that true Weights and Meaſures be uſed by all People within the ſaid County and Liberties of the City aforeſaid: Theſe and all other Things to the ſaid ſeveral Offices of *Eſcheator* and *Clerk* of the *Market*, belonging or in any wiſe appertaining, you ſhall well and truly execute, perform and do to the uttermoſt of your Power.

So help you GOD, *and by the holy Contents of that Book.*

AS the KING is the HEAD of the GREAT BODY POLITIC, or COMMON-WEALTH; ſo is the LORD MAYOR, *Head* of this Corporation. And, as the KING is *intruſted* with the *general Government* of the REALM, ſo is the LORD MAYOR, with that of the *Corporation* of this CITY. The one, as well, as the other, is to conſider, that his *reſpective Office* was inſtituted for the GOOD of the PEOPLE, and that every *Power*, *Prerogative*, *Privilege*, *Pre-eminence*, or *Authority*, he enjoys, is derived from, and held in Truſt for, the PEOPLE.

THE LORD MAYOR is therefore to execute, or cauſe to be executed, all the *Common* and *Statute Laws* concerning this City, as well, as the *By-Laws* of the *Corporation*; fully, juſtly, truly and indifferently, without Regard to Perſons or Places, to private Regards, or Prejudices.

AN other great Part of the Office and Truſt of the *Lord Mayor*, is that of being *Preſident* of the *Courts* and *Councils* of this *City*. And the Diſcharge of this requires not leſs *Senſe* and *Virtue*, than other Branches of his Duty. To execute theſe important Truſts duly, the *Lord Mayor* ſhould be no Stranger to the *general Syſtem* of our *Laws*, from which alone he may

draw the *Office* and *Duty* of the *Magiſtrate*, and the *Rights* and *Liberties* of the Subject, in general. He ſhould be perfectly *converſant* in our *Charters*, and in the *By-Laws* and *general Conſtitution* of the *City*; by which alone, he may learn the *Extent* and *Limits*, the particular *Duties* of his *Office*, and the *peculiar Rights* and *Privileges* of the *Corporation* of the *City*, and every *Member* thereof; which he is *bound* to *preſerve* from every Degree of *Violation*, or *Incroachment*. He is to hold the *Quarter-Seſſions*, and *Quarter-Aſſemblies* at the *ſtated Times* and *Places*. And, to ſuffer nothing either unlawful, or unjuſt, to paſs in either. In the *Councils*, he is but a *Preſident*, and muſt *execute* and *keep* the *Laws* and *Reſolutions* made by the *Majority* of the *Council*. He may call them together upon all Occaſions; but, he can neither *confine* their *Deliberations*, nor *diſſolve*, nor *adjourn* them, but as the *Majority* of the *Aſſembly* agrees and directs. He is not to ſuffer any Council in the City to claſh, or interfere with an other; but keep up a true and exact *Balance* between the *Aldermen* and *Commons*, and all other *Parts* and *Members* of the *Community*. In every *Aſſembly*, he is to ſee, that the *Eaſe* and *Liberty* of the *Members* be perfectly ſecure; that the *Commons* ſit in an open Place, with a *Gallery*, to which every Citizen may have Acceſs; that at the *Cloſe* of *every Aſſembly*, the Court of Darein Hundred ſhould be ſummoned, by ringing the *Tholſel* Bell; that the *Suffrages* of the *Citizens* be fairly and freely collected upon every *prohibited*, or *controverted Queſtion*, and that no *Act* of *Aſſembly* ſhould be *ratified*, or *executed*, before it receives the Sanction of the Citizens in this Court.

For theſe Ends, the *Lord Mayor* ſhould be a Man of *ſound* and *quick natural Parts*, as well, as of a *liberal Education*; of *good Underſtanding* in the *national Conſtitution*, and *perfect Knowlege* of the *Conſtitution*, *Rights* and *Liberties* of the *City*. He ſhould be confirmed in the moſt ſteady Principles of *Morality* and *Laws*; to which End, he ſhould be of

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ſound Senſe and *clear Judgement*. With theſe *good Qualifications*, the wiſe and great Ends of the Inſtitution muſt be anſwered, and without them, we can have nothing but *Anarchy* and *Diſtraction*.

A MAGISTRATE formed upon ſound, conſtitutional Principles, will have the End of his Office always in view, as the chief Object of his Care. He will abate no Right, or Privilege of his Office; always remembering the Importance of the Truſt repoſed in him. He will neither cauſe, or ſuffer any Man to be oppreſſed, or injured; but will prove a *watchful*, *tender* and *indulgent* FATHER to all the Inhabitants of the City; eſpecially to the *Citizens*, who are, as it were, his *legitimate*, or political Children. He is to ſuffer none of their *Rights*, or *Privileges* to be *invaded*, by any Man; and, like the good *old*, *Roman Magiſtrates*, who uſed to proſtrate, or bow the *Faſces*, or Enſigns of Magiſtracy before the *Aſſembly* of the *Citizens*, acknowleging them the *Origine* of his Power; he will pay all poſſible Reſpect to the *Commons* and *Citizens*, and demonſtrate, upon all Occaſions, his Readineſs to execute the Powers derived from them, for the *general Good* of the *Community*.

LET us now look into the ſecond Point propoſed.

II. *Of* BAILIFS, *or* SHERIFS.

THE Word, *Bailif*, called in our Charters, *Ballivus*, is ſaid to be derived from the *French*, who formerly gave that Titule to the *Preſidents* of their *Parlements*, and other great Officers. *Bailif* was the ordinary Titule of an Officer, who preſided in every *Hundred*, or in every County: For, it is obſervable, that Hundreds, or Counties are frequently called *Balliva*, or *Balliwic*. *Bailif* is, at this Day, the Titule of the chief Magiſtrate, or Magiſtrates of ſeveral Cities and Towns corporate in *England*, as of *Weſtminſter*, &c. In ſeveral antient Statutes, the Words, *Sherif* and *Bailif* ſeem ſynonymous. The

Officers with us antiently called, *Bailifs*, were *Wardens* of the Franchiſes of the City, and *Aſſeſſors* to the *Mayor*, as well as *Sherifs*; though they were not created, or ſtiled *Sherifs*, before the Reign of King EDWARD VI.

THE Word, *Sherif*, or as it was more antiently called, *Shiriff*, *Shireve*, or *Shire reeve*, is derived from the two *Saxon* Words, *Scyre*, a Diviſion, now called, *Shire*, by which we underſtand a County; and *Grave*, *Greve*, or *Reve*, which imply, *Governor*. Hence, *Church-reve*, *Port-reve*, &c.

UPON the firſt Diviſion of Lands into Counties, it was inſtituted, that the *Free-holders* of every County, ſhould elect and appoint a *Sherif*, in the County Court, every Year. But, this invaluable Privilege, has ſince, been given up to the Crown.

SHERIFS are now created by Patent, which was ſometime granted during the *King's Pleaſure*; but, by ſeveral Statutes it is enacted, that *no* Sherif *is to continue in Office above one Year*. By a *Writ* of *Aſſiſtance* annexed to his Patent, all *Biſhops*, *Lords*, *Knights*, *Freemen*, &c. are commanded to be *aſſiſtant* to the *Sherif*, in diſcharging the incidental Duties of his Office. He is a *royal* Officer, yet not to be abridged, in the Privileges, or reſtrained in the Execution of his Office by the Crown. In Rank, he takes Place of every Nobleman in the County, during his *Shirevalty*.

THUS much of Sherifs in general. I ſhall now confine my ſelf to the *Shirevalty* of *Dublin*, which is, by *Charter*, veſted in the *Citizens*, or Corporation of the City; who are to chooſe two *Sherifs* every Year; for whoſe Conduct the City is anſwerable.

THE *two Sherifs* of this City are but one, in the Eye of the Law: For, every Proceſs is directed to the *Sherifs*, and every Summons and other Act of Office is to be ſigned and done, by, or in the Name of, both. They are joint Parties in every corporate Act of the City. If one of them dies, the other muſt ceaſe to act, until an other is choſen. Conſequently,

quently, if *one* be removed, diſqualified, or abſent himſelf, none *Act* of the *other* can be lawful, or valid, until the Place is filled.

I SHALL but curſorily touch upon the general Office and Duty of *Sherifs*, as it would require an expreſs Treatiſe to ſet them forth at large: I ſhall, therefore, chiefly conſider them, as a *Part* of the *Body corporate* of the City; and give a Sketch of their Duty, as *returning Officers*, at the Election of Members of Parlement.

THE SHERIFS' Office is partly, *judicial*, partly, *miniſterial*.

As to the judicial Part, our *Sherifs* are *Juſtices* of *Peace*, *joint Juſtices* of *Laborers* and *Artificers* with the *Mayor*, and have a ſpecial Power of hearing, trying and determining certain civil Suits in the *Town*, or *County* Court. *Sherifs* are the principal *Conſervators* of Peace; and upon any public Breach thereof, ſuch as, *Rebellion*, *Riot*, or *reſiſting* the Execution of any *legal* Proceſs, the Sherifs may raiſe the *Poſſe Comitatus*, the Forces of the County; that is, command all Perſons above the Age of fifteen, *Nobility*, *Eccleſiaſtics* and *decrepid Perſons* excepted; to aſſiſt them with *Force* and *Arms*, to reſtore Peace and execute the Laws; always taking Care not to make the Remedy worſe, than the Diſeaſe, by committing unneceſſary Violence; for which they are puniſhable. As *Juſtices* of the Peace, the Power of *Sherifs* has been long diſuſed, and prohibited by Act of Parlement, and is now left entirely to the Juſtices, to eaſe the Office.

As to the *miniſterial* Office of the *Sherifs*, that conſiſts in the *Execution* of *Writs* and *Proceſſes* out of the *King's Courts*, in the *returning Juries* for Trials in civil and criminal Cauſes; in the *proclaming Statutes*, in the *returning Writs* for electing *Citizens* to repreſent the City in Parlement; in *collecting* the *King's Rents*, *ſeiſing forfeited Lands*, *levying* the *King's Debts*, *Fines*, *Amerciaments*, &c. for which they are to render Account in the *Exchequer*; in *executing Criminals*,

or ſeeing them executed, ſtrictly and preciſely, as the Law directs.

For your further Information, I have added,

The Sherifs' Oath.

I *A. B.* do ſwear, that I will well and truly ſerve the King's Majeſty in the Office of Sherif of the County of the City of *Dublin*, and promote his Majeſty's Profit in all Things that belong to my Office, as far as I legally can or may: I will truly preſerve the King's Rights and all that belongeth to the Crown, I will not aſſent to leſſen or conceal the King's Rights or the Rights of his Franchiſes, and whenſoever I ſhall know that the Rights of the Crown are concealed or withdrawn, be it in Lands, Rents, Franchiſes, Suits or Services, or in any other Matter or Thing, I will do my utmoſt to have them reſtored to the Crown again, and if I may not do it my ſelf, I will certify and inform the King thereof, or ſome of his Judges: I will not reſpite or delay to levy the King's Debts for any Gift, Promiſe, Reward or Favor, where I may raiſe the ſame without great Grievance to the Debtors. I will do Right as well to Poor as to Rich, in all Things belonging to my Office: I will do no Wrong to any Man, for any Gift, Reward or Promiſe, nor for Favor or Hatred: I will diſturb no Man's Right, and will truly and faithfully acquit at the Exchequer all thoſe of whom I ſhall receive any Debts or Duties belonging to the Crown: I will take nothing whereby the King may loſe, or whereby his Right may be diſturbed, injured or delayed: I will truly return and truly ſerve all the King's Writs according to the beſt of my Skill and Knowlege: I will take no Bailifs into my Service but ſuch as I will anſwer for, and will cauſe each of them to take ſuch Oaths as I do, in what belongeth to their Buſineſs and Occupation: I will truly ſet and return reaſonable and due Iſſues of them that be within my Bailiwick according to their Eſtate and Circumſtances, and make due Pannels of Perſons able and ſufficient,

and

and not ſuſpected or procured, as is appointed by the Statutes of this Realm: I have not ſold nor let to Farm, nor contracted for, nor have I granted or promiſed for Reward or Benefit, nor will I ſell or let to Farm, nor contract for, or grant for Reward or Benefit by my ſelf, or any other Perſon for me or for my Uſe, directly or indirectly, my Sherifwick, or any Bailiwick thereof, or any Office belonging thereunto, or the Profits of the ſame to any Perſon or Perſons whatſoever: I will truly and diligently execute the good Laws and Statutes of this Realm, and in all Things well and truly behave my ſelf in my Office for the Honor of the King, and the Good of his Subjects, and diſcharge the ſame according to the beſt of my Skill and Power.

So help me GOD.

As there are *Courts* and *Councils*, in which the *Sherifs* are to *preſide*, whatever is ſaid of the *Lord Mayor*, in that Reſpect, holds equally true and juſt of them.

BOTH the *Sherifs* are but as one *Preſident* to the *Commons*. They are to watch and preſerve the Rights and Privileges of the *Commons*; to ſee that *each* Member be duly ſummoned; to puniſh him for Non-attendance, or the proper Officer, upon neglecting to ſummon; and to ſee, that *every Member* is ſecured *Eaſe* to his Perſon, *Freedom* in Speech, and *Secrecy* in giving his *Suffrage* upon every Queſtion, by a *Ballot*.

As the *Common Council* of the City, ſince the *New-Rules*, conſiſts of *two Members*, the *Aldermen* and the *Commons*, the *Sherifs* ſhould not be appointed by the former: For, if they muſt be dependent on *either*, they ſhould be dependent on the later only.

BY *Sherifs* of this Mould, the Conſtitution of the City muſt ever be preſerved; by all thoſe of the other, it muſt be probably betrayed and ruined.

LET us now conſider them, as returning Officers at Elections of Members of Parlement. But, of this alſo, we ſhall take but a curſory View; as it is a Subject we purpoſe to treat more copiouſly, than the narrow Compaſs of this Paper will admit.

THE

THE *Sheriffs*, upon Receipt of a *Writ* out of *Chancery* upon a *general Election*; or from the *Speaker* of the *Houſe* of *Commons*, upon the Death of the late Repreſentatives; are to make public Proclamation of having received ſuch a *Writ*, and ſhall appoint the Day of Election in the County, or City Court-Houſe, which, with us, is the *Tholſel*; unleſs the *Candidates* agree upon another Place.

THE ELECTION muſt commence between the Hours of Eight and Eleven in the Morning; and the Court may ſit as long, as the *Sheriffs* judge fit, but may not be adjourned to any other Place, or further, than from Day to Day, till all the *Electors* have an Opportunity of offering their Voices; unleſs, by Conſent of the *Candidates*. The *Sheriffs* are to refuſe no Vote, duly qualified; but, if a Doubt ariſes between the *Candidates*, they are to allow a *Scrutiny*, or Trial of the Validity of every conteſted Vote, before they make their Return of the *Writ*; which is to be made with an *Indenture*, containing the Names of the Party choſen, under the Seals of the *Sheriffs* and of the *Electors*. When an *Election* may not be taken *on View*, but a *Poll* is demanded, the *Sheriffs* are to take the *Poll*, and to admit a *Scrutiny* when required. The *Sheriffs* are obliged to give *Copies* of the *Poll*, to all *Electors*, that demand them.

FROM theſe ſhort Hints of the Office and Duty of our *Sheriffs*, it is eaſy to conceive the great Importance of filling this Place with Men of the moſt approved *Good Senſe* and *Probity*; ſince, on their Underſtanding and Fidelity, the general Support and Safeguard of the *Eſtate* and *Franchiſes* of the City, and of the *Lives*, *Liberties* and *Properties* of the Citizens, moſt eminently depend.

LET us now examine the third Thing propoſed.

III. *Of the* COMMON COUNCIL.

THE Word, *Communitas*, in our Charters, implies the ſame with, *Populus*, or *Plebs*, among the *Roman*;

mans; in *Engliſh*, the groſs Bulk, or Body of the PEOPLE; with us, the Body of the CITIZENS, who are not Magiſtrates, are deemed the *Commons*, or *Commonalty*. In a more antient, extended Senſe, the *Commons* are taken for all the People of a Country; but, in a more modern, limited Acceptation, the *Commons* implies a middle Claſs of the Subjects, between the *Nobility*, and the ordinary Sort, or *Vulgar*.

As by the *Law of Nature*, every Community had a Right to inſtitute a Syſtem of Civil Society, for the mutual Strength, Security and good Government of the Members, ſo, by the *Common Law*, it is one of the *Incidentals* to the Creation of a Corporation, that the *incorporated* ſhould inſtitute a *Council*.

IN Imitation of the great *national Council*, moſt Cities have inſtituted a Kind of *Parlement*, like that alſo, called, *Commune Concilium*, the COMMON COUNCIL. But, as the Truſt in the *Parlement* appears, at this Diſtance of Time from the Inſtitution, to be but *implied*, and as it's Power and Authority is circumſcribed, by the ORIGINAL POPULAR INSTITUTION; ſo is it alſo with the *Common Council* of this City; but, by being of more modern Date, the later has it's Truſt made more manifeſt, and it's Power and Authority more abſolutely circumſcribed by the *Citizens*, than the former now appears to be by the *People*.

WE find the Conſtitution of the *Common Council* very different in the ſeveral Cities of *Great Britain* and *Ireland*.

THE FOUNDER of every City, or *Body Politic*, has a Right to appoint a *Council*, by his lawful Commands, or Precepts in the CHARTER; but, if he be ſilent, as to this Particular, the *Body incorporate* has a Right to inſtitute and appoint a *Council* of any determined Number of the Community, to provide for a regular and perpetual Succeſſion, and to inveſt them with *all*, or *as much* of the *Power* of the whole *Body Politic*, as they judge fit, and conſiſtent with their *Charter* and the preſent and future Safety and Welfare of the Corporation.

SEVERAL

SEVERAL Cities and Towns incorporate have given up, and veſted all their Power in a *Common-council*. While others have made their *Common-council*, but a *Committee*, to enquire into Matters, to prepare Buſineſs, and to frame By-Laws to be laid before the whole *aggregate Body*, for their Approbation and Sanction. This is the Caſe of *Dublin*, *Cork*, *Waterford*, *Limerick*, &c.

WHEN the Citizens of this City became ſo numerous, as to find it inconvenient to meet and treat on the Affairs of the Corporation, in an *aggregate Body*, as they did originally; they *choſe* from among themſelves certain of the moſt *wiſe* and *virtuous* Men, and appointed them a *Common Council*.

As ſoon, as a ſufficient Number of *Guilds* were erected, each Fraternity was permitted to elect and appoint a *Council*, by Way of *Repreſentatives*, to watch over it's Intereſts, and to ſerve it in the *Common Council*. And thus, the natural Right of every inferior Corporation, of *being fairly*, *equally* and *freely repreſented* in the *Common Council*, became eſtabliſhed.

IN this Council, the *chief Magiſtrate*, attended by the *Bailifs*, or *Sherifs*, as the *Maſter* and *Wardens* in an inferior Corporation, preſided. It was to be held in an open Place, to which the *Citizens* were intituled to have free Acceſs.

As the COMMON COUNCIL of the *Realm* was formerly appointed to ſit *twice*, at leſt, in the Year; ſo, the *Common Council* of the *City* was appointed to meet and ſit *four Times*, at certain ſtated Days, in every Year; with Power to adjourn from Day to Day, till all the Buſineſs of the *Quarter* ſhould be finiſhed.

The OATH *of a* COMMON-COUNCIL-MAN.

YOU ſhall ſwear to be faithful and true unto our Sovereign Lord King *George* the Second, and to his Heirs and Succeſſors for evermore; you ſhall give your faithful Counſel unto the Mayor in Town and Field, for the Time being, as a Common-Council-Man

cil-Man ſhould do; you ſhall anſwer unto all due Summonſes and Aſſemblies when your Mayor calls for you by his Officers, without Sickneſs or a lawful Excuſe let you, if that you be within the City; you ſhall not refuſe any lawful Office if you be elected by the Mayor and Council of the City; you ſhall not abſent your ſelf on the Election of a Mayor on *Michaelmas* Day, on Pain of the Laws made in old Time: Alſo, you ſhall attend the Mayor on his Station-Days with a ſeemly Gown fit for your Place and Calling, if that you be within the City, or a lawful Excuſe let you, with this and all others for the King's Majeſty's Weale, and that of the City, as a Common-Council-Man ſhould do, to your Power.

So help you GOD.

THE COMMON COUNCIL was appointed to *inſpect* all the Affairs belonging or relating to the City, to *receive Petitions*, to *treat* with all Perſons, *tranſact* all Matters, and *frame* all By-Laws. All public corporate Acts were to be introduced by Way of *Petition* of certain of the *Commons*; not otherwiſe. But, ſuch was the Wiſdom of the great ARCHITECTS of this excellent Conſtitution, that they expreſsly limited the Power and Authority of the *Commons*; not by *Implication* only, as it now appears in the great COMMON COUNCIL of the Realm, who may not do any Thing contrary to the FUNDAMENTAL PRINCIPLES of the Conſtitution, which would be fruſtrating the End of the Inſtitution; but by reſerving to the *Citizens* at large, an *abſolute* NEGATIVE on all the Tranſactions of the *Commons*.

THUS our Fathers wiſely guarded againſt the future Corruption and Degeneracy of the *Commons*, by inſtituting the great Court of DAREIN HUNDRED, which is to be held at the Cloſe of every Aſſembly.

THIS COURT is ſummoned by ringing the *Tholſel* Bell after every Aſſembly; and is opened by a public Proclamation, made by the common *Crier*. Here the *chief Magiſtrate*, with the *Sherifs*, preſides. By this,

this, it is happily provided, that if the *Commons* will not anſwer the Ends of their Inſtitution, they ſhall not pervert them: For, as the *Citizens* may hear and ſee in the *Gallery*, what Acts are paſſed by the *Commons* in the Aſſembly; they muſt be ſuppoſed to be prepared to *prohibit* ſuch, as they apprehend to be injurious, or wrong. And every *Citizen* has an unqueſtionable Right, like a *Roman Tribune*, to pronounce his VETO, to *prohibit* any ſuch injurious, or unjuſt Act: For, if the *Prohibition* be ſeconded by another *Citizen*, the Act ſo prohibited becomes abſolutely invalid, and can not be lawfully executed in any Point, until it receives the Sanction of the *Majority* of the *Citizens*, who may, if they will, demand a *Poll* upon the Queſtion.

THIS it is, that makes it neceſſary to addreſs all Petitions to the CITIZENS, as well, as to the *Lord Mayor*, *Sherifs* and *Commons*: For, the Conſent of the *one*, is as neceſſary, as that of the *others*; whence, all corporate Acts are to be done *by*, and *in the Name of*, the *Lord Mayor*, *Sherifs*, *Commons* and CITIZENS, and not otherwiſe. This makes our *Common-Council* different from that of moſt other Cities: For, few have retained any expreſs Control over the Tranſactions of their *Commons*; but here, they are no more than a *Committee*, ſubſervient to the *aggregate Body* of the *Citizens*.

I NOW come to my fourth Head, to treat,

IV. *Of* JUREES, *or* ALDERMEN.

WE derive the Word, *Juree*, which the *Engliſh* generally call, *Jurats*, of *Jurati*, Sworn; from the *Normans*: For, it is, ſince the Reign of *William* the Firſt, that theſe Officers were firſt inſtituted in *England*.

THE Name partly implies the Office: They were a *ſworn Council*, or *Aſſeſſors* to the chief Magiſtrate of a Corporation, The Iſland of *Jerſey* is governed by a Bailif and twelve *Jurats*; and many Towns in *England*, were incorporated by the Name of *Bailif* and

and *Jurats*; but we find but one, *Romney Marſh*, now remaining, which has retained that Form and Titule, moſt others having changed the Name, into that of *Alderman*, whoſe Office ſeems much the ſame.

The word, *Alderman*, is derived from the *Saxon*, *Ealdorman*, that is, *Elder man*, or Senior. It was one of the higheſt Titules of Honor among the antient *Saxons*. With them, Nobility was ſupported by three means; by *Birth*, or Blood, by *Proweſs*, or virtuous Actions, and by *Wiſdom*. Thoſe of the firſt Claſs were called, *Adelingi*; thoſe of the Second, *Heretochij*; and thoſe of the third, *Aldermanni*; the laſt importing as much, as that *Wiſdom* was to be acquired by *Age* and *Experience*; therefore thoſe who diſtinguiſhed themſelves in this way, were dignified with the Titule of, *Eldermen*, or Seniors, *Sages*, or Wiſemen.

Alderman was formerly a Titule equal to that of *Earl* in later Days. As *Citizen* implied a perſon, both in a *civil* and *military* Capacity, ſo *Alderman* implied a *civil* and *military Governor*, when applied to any particular Place. And it is apprehended, by ſome of our Antiquaries, particularly, *Spelman*, that the Titule and Office of Aldermanus *totius Angliæ*, which ſubſiſted in the Reign of King *Edgar*, was equal, if not the ſame, with that of *Lord chief Juſtice* of *England* now, though it ſeems more likely to have been *Regent*, *Juſticiary* or *Lord Lieutenant*.

But, in theſe Acceptations, it has been long, totally diſuſed, and has of late been uſed only to expreſs a kind of *Senator*, or, in a more literal Senſe, to denote an *Elder*. And by *Aldermen* are now more univerſally underſtood, a certain *Council*, or *Aſſeſſors* to the chief Magiſtrate of a Corporation, diverſly created, and with different Powers.

If a Corporation be created, conſiſting of a *Mayor*, *Aldermen* and *Citizens*, or *Commonalty*, or the like, then the *Aldermen* become a *fundamental* and *eſſential* part of the Corporation, and are intituled to an equal ſhare of the Property, Power and Privileges of the *Commonalty*,

or

or *Citizens*, or more particularly, what is expreſſed in the *Charter*, which is the creating Power.

But, if a Corporation be created, conſiſting of *Mayor*, *Bailifs*, *Commons* and *Citizens*, or of *Lord Mayor*, *Sherifs*, *Commons* and *Citizens*, and that *Corporation* ſhould afterwards, by a *By-Law*, create *Aldermen*, that is, inſtitute a Council of *Civil Elders* to aſſociate with, and aſſiſt the chief Magiſtrate, the *Aldermen* ſo created do not become an *eſſential* part of ſuch Corporation, nor, can they poſſeſs, or clame, any Power, Pre-eminence, Privilege or Authority therein, above the *Citizens*, but what they derive from ſuch a *By-Law*.

The Words *Juree*, are *Alderman*, are not *once*, ſo much, as mentioned in any of our Charters, before the Reign of King *Charles* I. though by that Charter, as well, as other Authority, it appears, we had ſuch Officers mnch earlier. That King thought fit to raiſe the Dignity of this eminently loyal City. He therefore, created our *Mayor*, a *Lord Mayor* and made him, with the *Recorder* and ſix of the *Senior Aldermen*, *Juſtices* of the *Peace*, and *Goal Delivery*, and the whole *Board*, *Governors* of the *Houſe* of *Correction*.

But, his Grants in that Charter are founded upon this Recital; "*And whereas* We *have received* Information, *that the aforeſaid* Mayor, Bailifs, Commons *and* Citizens *of the ſaid City, from Time to Time, and time immemorial, by an antient, received* Cuſtom, or uſage *within the ſaid City, have* choſen, *or were* accuſtomed *to* chooſe *twenty four of the moſt* virtuous *and* wiſe *of the* Commons, *and* Citizens *aforeſaid*, Aldermen *of the ſaid City, who are vulgarly and commonly called*, Aldermen, &c." So that it is inconteſtable, that, at this time, the *Election* of *Aldermen* wes in the Corporation at large, and that it is upon this Aſſurance, the King made theſe Grants to the City; which Grants were afterwards, upon the ſame Conſiderations, enlarged by a Charter of his preſent Majeſty.

It is not at preſent eaſy to determine the exact point of Time, at which *Jurees*, or *Aldermen* were firſt

firſt Inſtituted in this City. It is probable, that when it was found expedient to augment the Truſt or Power of the chief Magiſtrate, by *Statutes* or *By-Laws*, it was judged neceſſary for his Aſſiſtance, as well, as for the public Security, to appoint him a *privy Council*, which were accordingly choſen, out of the *graveſt* and *diſcreeteſt* Citizens, ſuch has had already grown *old* and *wiſe* in the Service of the City. This was probably; as early as the Reign of *Henry* III. when it is likely; they were called, *Jurees*, or *Jurors*; the former of which Appellations, they retained in the Reign of *Richard* III. as appears by a *By-Law* then made, empowering the *Jurees* to meet on *Holy-Rood* Day, to name one of themſelves to be *Mayor*, from *Michaelmaſs* enſuing.

About the Reign of the good and great Queen Elizabeth, and ſince, theſe Officers have been called, *Aldermen*, and their Election, conformable to the *Recital* of the Charter of King *Charles* I. has been as conſtantly, as regularly made, or performed in the *Common Council*, from the date of that *Charter*, to the Reign of his late Majeſty, as any other corporate Act; if we can believe the only Teſtimony, we can receive of ſuch Facts, the *Inrollments*, the only Authentic Records, of Acts of Aſſembly, all Signed by the *Lord-Mayor*, *Aldermen*, and *Sherifs*, or by ſuch of them as could *Write*; or atteſted by the *Mark* of ſuch, as could not clame the Benefit of *Clergy*.

As the *Aldermen* are not named in *any Charter*, as an *eſſential* part of the *Body Politic*, they can have no Room to make ſuch a Clame. They are then, but *Creatures* of the Citizens. And can have no Power, Privilege or Authority, but what is derived from, or tacitly, or expreſly implied by their *Creation* or *Election*, or ſome *By-Law*.

But, upon the ſtricteſt Reſearches, that could be made into the *Charters*, *Rolls* and *Records* of the City, it doesnot any where appear, that this antient Council of *civil Elders* were made an *eſſential* Part of the Corpo-

ration, or *Common-Council*, though it is likely, the whole Number, or at leſt, ſuch as had paſſed the MAYORALTY, obtained *Seats* in the *Aſſembly*, as the *Sherifs-Peers*, or thoſe that have ſerved the Office of *Sherif*, have uſually done; nor, that they were by any Means inveſted with any Kind of Power, or Authority in the City, beyond the Truſt repoſed in them, of *attending* and *counſe'ing* the chief Magiſtrate, and *watching* and *inſpecting* his Conduct, as became ſage and faithful *Guardians*, or *Fathers* to the People; till the Charter of the 17th of King *Charles* I. abovementioned, made them *Juſtices* and *Governors* of the Houſe of Correction; which Charter, with Regard to the Number of *Juſtices*, is enlarged by an other of the preſent King; and, till the NEW-RULES made in the Year 1672, gave the *Board* ſome additional Powers and Privileges, which we ſhall hereafter explane.

I HAVE for your better Information annexed,

The OATH *of an* ALDERMAN.

YOU ſhall ſwear to be faithful and true to our Sovereign Lord GEORGE the Second, King of *Great Britain*, *France* and *Ireland*, his Heirs and Succeſſors for evermore; you ſhall give your faithful and true Council to your *Mayor* for the Time being, as *Aldermen* and *Jury* ſhould do; you ſhall anſwer all due Summons and Semblies, when your *Mayor* call you by his Officers, without that Sickneſs, or a lawful Excuſe let you, if that you be within the City: Alſo, you ſhall not refuſe the *Mayoralty*, if you be found able thereto, by the *Mayor* and moſt Part of the *Aldermen*; you ſhall not abſent your ſelf on the Day of Election, nor on *Michaelmaſs* Day, from the ſame Election of the *Mayoralty*, upon Pain of the Laws made upon the ſame: Alſo, you ſhall make due Search in your Ward, for Felons, Treaſons, and for all ſuch Perſons as are Tranſgreſſors of the King's Majeſty's

Majeſty's Law, and the Laws of this City; you ſhall bring them to the *Mayor*, or ſend them to the Goal of the City: Alſo, you ſhall keep ſecret all ſuch Matters as the *Mayor* from Time to Time ſhall appoint to be kept ſecret, by expreſs Words, at your Conſultations ſtanding with your Allegiance: Theſe and all others for the King's Majeſty's Weal, and the Weal of the City, by your Power you ſhall keep.

So help you GOD.

LET us now take a ſummary View of this once happy Conſtitution, and we ſhall find the known World unable to ſhew it's Parallell.

WHAT could be wanting to make a City *great* and *powerful*, when it was OPULENT and FREE? When the Citizens were diſtinguiſhed and dignified with the moſt remarkable, the moſt valuable Privileges? Governed by *Magiſtrates*, and a *Council* of aged, grave and wiſe *Aldermen*, and free and independent *Commons*, ALL *choſen*, with regard to *Merit* and good *Qualifications* only, *out of*, and *by*, the *Citizens?* A Council, whoſe *Power* and *Authority* was preſcribed and limited by the *Citizens*, and whoſe Tranſactions were ſubject to the Control of their *Conſtituent*, before any *By-Laws*, by them framed, could be carried into Execution? Under ſuch a Government, what could be wanting to render the *Citizens*, a great, floriſhing and happy PEOPLE? All that muſt have depended upon their own *Wiſdom*, *Virtue* and *Integrity*. While they had *Senſe* and *Wiſdom*, they muſt have retained VIRTUE and INTEGRITY and of Courſe, muſt have watched and preſerved their RIGHTS and LIBERTIES, which was eaſily and pleaſantly effected by exerting and perſevering in LIBERTY and LOYALTY. Was ever an eaſier Courſe ran, to gain ſuch an ineſtimable Prize? To be *honeſt* and *juſt*, to be HAPPY and FREE! O! that all our paſſed and preſent FELLOW-CITIZENS had been ſuch! Then, the moſt ungrateful Part of my *Taſk*, had been unneceſſary; pointing out the *Breaches* made

made in this great *Conſtitution*, and by *whom*. However, as, in Order to a Remedy, the true, *natural* and *diſtempered* State of every Body is to be laid open; ſo, it muſt be with Regard to our City. But, as I have in this, exceded the intended Bounds, I ſhall reſerve what I have to ſay on our SICKLY *Condition*, for the Subject of my next Addreſs.

I am,

MY BELOVED FRIENDS *and* FELLOW-CITIZENS,

With the utmoſt Reſpect and Sincerity,

YOURS,

4 AP 54

DUBLIN,
Auguſt 9th, 1749.

C. Lucas.